



U.S. Department of Justice

Civil Rights Division

*United States Attorney's Office
District of Massachusetts*

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Civil Rights Division
950 Pennsylvania Ave, NW
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The Honorable Charles D. Baker
Governor of the Commonwealth of Massachusetts
Massachusetts State House
24 Beacon Street
Office of the Governor
Boston, MA 02133

Re: Investigation of Massachusetts Department of Correction

Dear Governor Baker:

We write to inform you that the United States Department of Justice is commencing an investigation of the conditions of confinement in the Massachusetts Department of Correction (“MADOC”) prison system, pursuant to the Civil Rights of Institutionalized Persons Act (“CRIPA”), 42 U.S.C. § 1997. In conducting the investigation, we are obliged to determine whether there are systemic violations of the Constitution of the United States in the conditions at the MADOC facilities. Our investigation will focus on (1) whether MADOC violates the constitutional rights of prisoners who have serious mental illness, or who are otherwise at risk of serious harm from restrictive housing, by placing them in restrictive housing for prolonged periods of time; and (2) whether MADOC violates the constitutional rights of geriatric and palliative care prisoners by failing to provide them adequate medical care.

We have not reached any conclusions about the subject matter of the investigation. We know that you and other State and MADOC officials seek to operate the MADOC prison system consistent with the requirements of the Constitution. During our investigation, we will consider all relevant information, including the efforts MADOC has undertaken to ensure compliance with the Constitution. We will also offer to provide recommendations on ways to improve MADOC prison conditions, when appropriate.

Upon completion of our investigation, if we conclude that there are not systemic constitutional violations, we will notify you that we are closing the investigation. If, on the other hand, we conclude there are such violations, we will provide written notice of the results of the investigation and identify the minimum measures we believe are necessary to remedy the violations. In our many years of enforcing CRIPA, the good faith efforts of State, County, or local jurisdictions working with us have enabled us routinely to resolve our claims without resort to contested litigation.

We encourage the State to cooperate with our investigation, and we can assure you that we will seek to minimize any potential disruption our investigation may have on MADOC operations. The Civil Rights Division's Special Litigation Section and the United States Attorney's Office for the District of Massachusetts will be handling the investigation. They will contact your office to discuss the next steps. The Chief of the Special Litigation Section, Steven Rosenbaum, may be reached at (202) 616-3244, and the Chief of the Civil Rights Unit for the U.S. Attorney's Office, Jennifer Serafyn, may be reached at 617-748-3188.

Sincerely,



John M. Gore
Acting Assistant Attorney General



Andrew E. Lelling
United States Attorney
District of Massachusetts
United States Department of Justice

cc: The Honorable Maura Healey
Massachusetts Attorney General

Daniel Bennett
Secretary, Massachusetts Executive Office of Public Safety and Security

Thomas A. Turco III
Commissioner, Massachusetts Department of Correction

Michael Devine,
Superintendent, Boston Pre-Release Center & Lemuel Shattuck Hospital Correction Unit

Daniel Calis, Jr.
Superintendent, Bridgewater State Hospital

Tom Neville
Superintendent, MASAC at Plymouth

Steven J. O'Brien
Superintendent, Massachusetts Treatment Center

Michael Rodrigues
Acting Superintendent, MCI-Cedar Junction

Douglas Demoura
Superintendent, MCI- Concord

Allison Hallett
Superintendent, MCI - Framingham

Sean Medeiros
Superintendent, MCI - Norfolk

Kelly Ryan
Superintendent, MCI - Shirley

Raymond Marchilli
Superintendent, North Central Correctional Institution

Greg McCann
Deputy Superintendent, Northeastern Correctional Center

Joseph Murphy
Superintendent, Old Colony Correctional Center

Pamela MacEachern
Superintendent, Pondville Correctional Center

Lisa Jackson
Superintendent, South Middlesex Correctional Center

Steven Silva
Superintendent, Souza-Baranowski Correctional Center